

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	
)	
JOSHUA DAVIS,)	Chapter 7
)	
Debtor.)	Case No.: 20B-00032
)	
LAW OFFICES OF ARNOLD H. LANDIS,)	
P.C.,)	
)	
Plaintiff,)	Adversary No. 20-AP-00147
)	
vs.)	
)	
JOSHUA DAVIS,)	
)	
Defendant.)	

NOTICE OF MOTION

To: See Attached Service List

PLEASE TAKE NOTICE that on September 17, 2020, at 10:00 a.m., I will appear before the Honorable Judge Doyle, or any judge sitting in that judge's place, and present the motion of Plaintiff to reconsider the denial of its motion for extension of time to file its amended adversary complaint, a copy of which is attached.

This motion will be presented and heard telephonically. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at www.CourtSolutions.com or by calling Court Solutions at (917) 746-7476.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Law Offices of Arnold H. Landis, P.C.

By: /s/ Arnold H. Landis
Arnold H. Landis, its attorney

CERTIFICATE OF SERVICE

Arnold H. Landis, being duly sworn on oath, deposes and says that he served the above and foregoing notice on the above-named parties pursuant to Section II (B)(4) of the Administrative Procedures for the Case Management/Electronic Case Filing System through the Court's Electronic Notice for Registrants and/or via United States Mail, postage prepaid on September 3, 2020.

Law Offices of Arnold H. Landis, P.C.

By: /s/ Arnold H. Landis.
Arnold H. Landis, its attorney

Law Offices of Arnold H. Landis
9 W. Washington, Ste. 413
Chicago, Illinois 60602
(312) 236-6268

SERVICE LIST

VIA ECF

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Joshua A. Davis
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JOSHUA DAVIS,)	
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**PLAINTIFF'S MOTION TO RECONSIDER THE DENIAL OF ITS MOTION FOR
EXTENSION OF TIME TO FILE AMENDED ADVERSARY COMPLAINT**

Now comes Plaintiff, Law Offices of Arnold H. Landis, P.C., and for its motion to reconsider the denial of its motion for extension of time to file its amended adversary complaint, states as follows:

1. Plaintiff's amended adversary complaint was due July 16, 2020.
2. On July 16, 2020, Plaintiff filed a motion for an extension of time to file its amended adversary complaint.
3. In its motion, Plaintiff stated that Mr. Landis, his associate and his secretary had been working in three different locations since the Covid outbreak.
4. Also, Plaintiff was currently in the process of moving his law office after 36 years at the same location, having completed the move on August 1, 2020.
5. Furthermore, Mr. Landis needed to consult with Dick Adler about

Defendant's communications with him.

6. Plaintiff noticed the motion for August 6, 2020 and requested leave to file the amended adversary complaint by that date, which would be a 21-day extension.

7. On August 6, 2020, although Plaintiff was ready to file the amended adversary complaint, this court denied Plaintiff's motion for leave.

8. FRCP 9006(b)(1) provides:

Except as provided in paragraphs (2) and (3) of this subdivision, when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or (2) on motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect.

9. Plaintiff satisfied the requirements of FRCP 9006(b)(1).

10. First, Plaintiff made the request for extension on the date its amended complaint was due.

11. Second, as set forth above, Plaintiff provided several reasons as to why it needed an extension, thereby showing cause.

12. In construing FRCP 906, the predecessor to FRCP 9006, the court in In re Abrams, 35 B.R. 485, 486 (Bankr. N.D. Ohio 1983) stated:

These provisions should be applied liberally so as to afford the parties the opportunity to have the issues decided on their merits, provided the rights of any party are not prejudiced. *In re Murphy*, 1 B.R. 736 (Bkrcty.S.D.Cal.1979), *Recile v. Ward*, 496 F.2d 675 (5th Cir.1974).

13. Although the court may have discretion, (1) where a party has timely filed a motion for extension and provided cause and (2) there is no prejudice to the other party, a liberal application of FRCP 9006 mandates that the party's request be granted.

14. In this case, Plaintiff has established that his request for an extension was timely filed and that it provided cause.

15. Given the above and the fact that there will be absolutely no prejudice to Defendant, Plaintiff's motion should have been granted so that its amended complaint could be decided on the merits.

Wherefore, Plaintiff respectfully request that this Honorable Court reconsider the denial of its motion for extension and grant such additional relief as may be just.

Law Offices of Arnold H. Landis, P.C.

By: /s/ Arnold H. Landis.
Arnold H. Landis, its attorney

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